Secdt. IX-26—25,000—27-10-33.

L. S. G. (1934.) Department.

Misc SERIES.

G.O. No. 62 L&Mc P. H

DATED 9 — 1 — 34.

[Despatch Abstract.]

Establishment (South Kanara) Mangalore Municipal Council - Leave allowances of Miss. V.V.Janaki - Recovery from the Municipal Council - Waiver refused.

C.F. 30.

DEPARTMENT.

Received 9-NOV1933 19.

Registered 45343 19.

Subject.

Claim for leave allowance -- requesting waiver.

****

Enclosures.
No. 2
Spare copies

Ref. C. No. 128 / 33/34.

Station Mangalore. Dated the 3rd November 19 33.

From (Name) M. R. Ry. K. Vittal Shetty, Avargal.,
(Designation) Chairman, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,
LOCAL SELF GOVERNMENT Department.
FORT ST. GEORGE, MADRAS.

Sir,

The services of Miss V.V. Janaki, Lady Apothecary, who was formerly employed under the council in the Women & Children's Hospital were transferred to Government on 1st April 1919, the date on which the said hospital was taken over by Government. The Accountant General in his letters dated the 7th June and 17th August 1933 - copies enclosed - now claims a sum of Rs.2,444-10-0 from the council on account of the leave allowance paid to her while on leave subsequent to her transfer to Government service, the leave granted being debited to the account of leave earned

by her

by her while in service under the council. She was prior to transfer was being paid a pay of Rs.100 and a charge - allowance of Rs.50 a month, but the claim for leave -- allowances has been calculated on the pay drawn by her - under Government at the time when the leave was taken - which varies from Rs.175 to Rs.304-8-0 per month. She was employed in the Municipal Hospital for the period from - 25-2-1910 to 31-3-1919. The leave earned by her for the said period has been taken as 1 year 6 months and 25 days calculated at 2/11 of duty under the Fundamental Rules. A sum of Rs.300 was paid to Government in June 1924 - towards the allowances of the leave of 2 months granted to her in January 1920. The present claim of Rs.2,444-10-0 relates to the periods of leave aggregating to ten months as detailed below :-

21 - 5 - 24 to 20 - 7 - 24 at Rs.	175 - 0 - 0	: Rs.350 - 0 - 0
29 - 6 - 27 to 28 - 9 - 27 at Rs	213 -15 - 0	: Rs.641 -13 - 0
9 - 6 - 32 to 8 -10 - 32 at Rs.	287 -11 - 0	: Rs.148 - 5 - 0
1 - 6 - 33 to 30 - 6 - 33 at Rs.	304 - 8 - 0	: Rs 304 - 8 - 0
	Total	Rs 2444 -10 - 0

Even if it is obligatory on the council to pay the allowances, the present claim against it is out of proportion to the pay drawn by the Lady Apothecary in municipal service. In G.O. No.3385 L & M., dated 26-8-1932, Government have -- recognized the hardship involved and have issued orders that as fegards transfers effected subsequent to the date of the said G.O. the local body concerned should decide at the time of the transfer of the servant whether it will bear the leave salary for the period of leave earned in its service and if it does not agree, the servant will forfeit the leave earned under it. In the case of servants transferred to Government service before the said date, Government have, however, ordered that the practice in force at the time of the transfer should continue.

The claim appears to have been based on the provisions of the Audit Code, Audit Manual and the Fundamental Rules. None of these were existing at the time the Lady Apothecary was transferred to Government service and I do not think the council is bound by the rules framed subsequent to her transfer and to pay the leave allowances in accordance with the said rules. If any claim lies against the council. it may perhaps be in accordance with the 'Rule of proportions' under Art. 810 of the Civil Service regulations which were in force at the time. Out of the total privilege leave for 9 months and 10 days earned by her while in municipal service, she had availed leave to the extent of 7 months and 1 day and there was a balance of leave to the extent of only 2 months and 9 days to her credit on 1st April 1919. She had leave for two months subsequent to her transfer from 3-1-20 to 2-3-20 and the council has already contributed Rs.300 towards her leave allowances for the said period. Her service under the council did not extend for 10 years and she was not entitled to any furlough. Under the circumstances I consider that no contribution is due by the council towards the leave allowances now claimed.

In any event it is beyond the council's finances to meet the present demand. The two years that have just passed were years of wide general depression and it was with the greatest difficulty that the council has been able to run its services efficiently. It has been denied of its toll income to the extent of about Rs.10,000 a year. Such a loss is not an inconsiderable sum to a Municipality with limited resources and the payment of the claim now made will be the last straw to break the camel's back.

Under the

Under the circumstances, I request that Government may be pleased to waive the claim against the Council.

Your obedient servant,

Chairman, M. C.

Copy of letter No.(G.A.D.Section) G.A.D.Medical -- 1136, dated 7th June 1933 from the Accountant General, Madras to the Chairman, Municipal council, Mangalore.

Miss. V.V.Janaki, Lady Assistant Surgeon, was employed as Lady Apothecary in the municipal Hospital for Women and Children, Mangalore, (transferred to Government from 1-4-1919) for the period 25-2-1910 to 31-3-1919. The leave earned by her for the above period is 1 year 6 months and 25 days, calculated at 2/11 of duty, Vide para 11 (xv) under F.R.87 (a) on pages 75 to 78 of the Audit Manual I Edn. Reprint; and also para (2) under F.R.76 on page 58. Out of the above period, she was paid leave salary for the periods 1-8-1912 to 30-9-1912, 1-6-14 to 31-7-14, 10-12-1916 to 9-3-1916, 1 5/17 to 19 5/17 and 3 1/20 to 2 3/20. There is still a balance of leave to the extent of 11 months and 6 days. As the lady Assistant Surgeon took leave during the periods noted in the margin, the leave salary for the periods is payable by the municipality A sum of Rs.2,140-2-0 is due to Government, and it may please be remitted into the treasury to the credit of Government under the Head "XXII Medical - Recoveries of overpayments".

* 21--5--24 to 20--7--24 at Rs.175--0--0	350--0--0
29--6--27 to 28--9--27 at Rs.213-15--0	641-13--0
9--6----32 to 8-10--32 at Rs.287-11--0	1,148--5--0
	2,140--2--0

/True Copy/

Municipal Office,
Mangalore,3-11--1 9 3 3

Chairman, M.C.

Copy of letter No.G.A.D. Medical 1969, dated 17th August 1933 - from the Accountant-General, Madras to the Chairman, Municipal council, Mangalore.

****

In continuation of this office letters G.A.D.Medl. 1136 dated 7th June 1933 and G.A.D.Medl. 1465 dated 12th July 1933, I have the honour to state that Miss V.V.Janaki, Lady Assistant Surgeon, took leave for the period 1st June 1933 to 30th June 1933, and the leave salary for that period is payable by the Mangalore Municipality.

The leave salary amounts to Rs.304-8-0 and the same may please be remitted into the Treasury to the credit of Government under " 32 Medical - Medical Establishment - District Medical Officers - Transferred -- Voted -- Pay of Officers ".

It may also be stated whether the amount of Rs. 2140-2-0 noted for recovery in this office G.A.D.Medical 1136 dated 7th June 1933 has been remitted into the Treasury to the credit of Government.

* * * * *

/T r u e C o p y/

Municipal Office,
Mangalore,3-11-33

Chairman, M.C.

L.S.G. (GOH) Dept.

Leave allowance- Miss V.V. Janaki, Lady Apothecary- Recovery from the Mangalore M.C.

C. No. 4 5348 From the Chc., Mangalore No. 126/33-34 & 3.11.33

(D)
extract on p 129 Go 1689 MH 9.8.32

Under Art. 810 of the C.S.R., service under local funds may qualify for leave under Govt.. on transfer to Govt.. service.

(B)
In Lr. No. 490 Medical & 23.10.1919, this article was extended to employees in all district headquarters hospitals (who were brought under Provincial control) with effect from 1.12.17, with the sanction of the Government of India. In the case of Miss V.V. Janaki, taken over from the service of the Mangalore M.C. this article is still applicable and the Mangalore M.C. is bound to pay towards her leave allowances

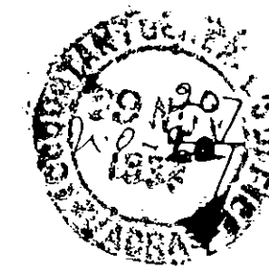
vide para (i) of Go No. (G1) 3383-Dfm 26.8.32

2. Under Article 810 of the C.S.R. allowances during leave must be disbursed from the local funds and General Revenues according to the rule of proportions. But from the Acp. letter on p 5 Cf. it is observed that the whole of the leave allowances of Miss Janaki have been claimed from the Municipal Council on the pay drawn by her at the time of going

going on leave. In the case of Mrs. John D'Cruz, an ex nurse taken over from Coimbatore Ml. Service, it has been held that her leave allowances should be calculated according to the rule of proportions. It is not clear why a departure has been made in the present case. The A.G. may be consulted.

(H) Govt No 852 PH dt 21 IV 32

(D) 1617 M.t 9-8-32



MM. 27.XI.33

27.11.33.

28/11/33

L.E.G. Blow: 45343-I&D/32 28/11.33.

A.G. 29/11

G.A-D Medical-2878 dated 4-12-33

A. G's Office.

29/11/33, 29/11

(I)

The debit raised by this office against the Mangalore Municipality is in accordance with the general orders issued by Government on the subject. Reference is invited to G.O. Finance No.Ms.413 dated the 19th May 1933 and G.O. No. 3385 L. & M. dated the 26th August 1932. Recovery of leave salary according to the Rule of proportions applies only to a case of Foreign Service prior to 1st August 1913 where no contribution for leave salary was reccvered.

(G)

2. The case of Mrs. D'Cruz was decided by Government in G.O. No. Ms. 852 P.H. dated the 21st April 1932 before the issue of G.O. No. 3385 dated the 26th August 1932 laying down

(G)

the

the general procedure on the subject.

19233

L.S.G. Department U.O. 227
A.G. U.O. No. G.A. medl 2878 dated 4-12-1933.

5 - DEC 1933
LOCAL SELF-GOVERNMENT

5/12

L.S.G. (GOH) Dept.

In the circumstances reported by the A.G. the recovery of the entire leave salary proposed in this case need not be objected to.

2. A draft order is submitted for approval.

16.12.33.

16.12.33

L.S.G. Note
45343-2
3.1.34

3/1

Finance (C.S.R.)

The draft order may be perused and the case returned to L.S.G.

ASSISTANT SECRETARY TO GOVERNMENT
4 - JAN 1934
FINANCE DEPT.

DEPUTY SECRETARY TO GOVERNMENT
4 - JAN 1934
FINANCE DEPT.

5/1/34

5.1.34

6/1/34

5/1/34

SECRETARY TO GOVERNMENT
8 JAN 1934
864
GOVERNMENT DEPT.

Secte. 11-6 (a)

L.S.G. (MS) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. ..... dated ..... 19 .

" " " " ..... " 19

READ ALSO :—

C. No. 45343 From the CRC, Mangalore, No. 128/33-34, dated 3. 11. 1933.

" " ..... " " ..... " ..... 19 .

" " ..... " " ..... " ..... 19 .

ORDER.

Ms.

No. 62, dated 9. 1. 1934

The Government regret that they are unable to waive the recovery of the leave allowances due from the Mangalore Municipal Council, for the periods during which Reis V.V. Janaki was granted leave after her transfer to the Government service.

Dpd. by Van / Post / Messenger

Dpr.'s initials. SP

Date 12/1/1934

mm. 16.12.33.

16.12.33.

To

The CRC, Mangalore (4to)

Copy to the AG. (4to)

" SG. (4to)